

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was evaporated milk, and for the further reason that the article was labeled as aforesaid so as to mislead and deceive the purchaser into the belief that it was evaporated milk, whereas, in truth and in fact, it was not evaporated milk but was an insufficiently condensed milk product, low in fat.

On September 14, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10192. Adulteration and misbranding of olive oil. U. S. * * * v. 3 Cases of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9471. I. S. Nos. 14781-r, 14782-r. S. No. E-1168.)

On November 27, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 40 quart cans, and one case containing 20 half-gallon cans, of alleged olive oil, at Paterson, N. J., alleging that the article had been shipped by G. P. Papadopoulos, New York, N. Y., on or about October 8, 1918, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (cans) "Olio IL Toscano Brand Lucca-Style * * *."

Adulteration of the article was alleged in substance in the libel for the reason that cottonseed oil had been mixed and packed with the article, thereby reducing and lowering its strength and injuriously affecting its quality, and had been substituted almost wholly for olive oil, which the said article purported to be.

Misbranding was alleged in substance for the reason that the design appearing on the said cans and the above-quoted statement appearing on the label in Italian, not sufficiently corrected by the statement in inconspicuous type, "Cotton Seed Salad Oil Slightly Flavored with Olive Oil," were false and misleading in that they conveyed the impression that the said article was an Italian olive oil, whereas, in truth and in fact, it was not an Italian olive oil, but was an oil consisting almost wholly of cottonseed oil. Misbranding was alleged for the further reason that the said statement borne on the labels, together with the statements "Net Contents- One Quart" and "Net Contents Full Half Gallon," respectively, deceived and misled the purchaser into the belief that the article was a product manufactured in Italy and that the containers had therein one full quart or one full half-gallon, as the case might be, of the said article, whereas, in truth and in fact, the article was a product of domestic manufacture, made in the United States, and the said containers did not hold one full quart and one full half-gallon, respectively. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure olive oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10193. Misbranding of oil. U. S. * * * v. 22 ½-Gallon Cans and 36 ¼-Gallon Cans of St. Bertolino Brand Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10463. I. S. No. 13591-r. S. No. E-1463.)

On May 31, 1919, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 ½-gallon cans and 36 ¼-gallon cans of St. Bertolino Brand oil, at Newark, N. J., alleging that the article had been shipped by Ravazula Bros., New York, N. Y., on or about May 7, 1919, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled

in part, respectively, "Oil Superior Quality St. Bertolino Brand * * * Packed by Ravazula Brothers, N. Y., * * * Net Contents $\frac{1}{2}$ Gal." or "Net Contents $\frac{1}{4}$ Gal."

Misbranding of the article was alleged in substance in the libel for the reason that the statement "Oil Superior Quality," together with the pictorial representation of a peasant girl in foreign costume picking olives from an olive branch, and the statements "Net Contents $\frac{1}{2}$ Gal." or "Net Contents $\frac{1}{4}$ Gal.," as the case might be, were false and misleading in that the said statements and design led the purchaser to believe that the article was Italian olive oil and that the said cans contained one full half-gallon or one full quarter-gallon, as the case might be, of the said article, and for the further reason that said statements and design deceived and misled the purchaser into the belief that the said article was an Italian oil and that it was a product manufactured in Italy, whereas, in truth and in fact, the said article was a cottonseed salad oil slightly flavored with pure olive oil, was not an Italian olive oil but was a product of domestic manufacture made in the United States, and the said cans did not hold one full half-gallon or one full quarter-gallon, respectively. Misbranding was alleged for the further reason that the article was food in package form, and the exact quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10194. Misbranding of Milks emulsion. U. S. * * * v. 66 Bottles of * * * Milks Emulsion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11252. I. S. No. 2781-r. S. No. W-492.)

On September 19, 1919, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 66 bottles of Milks emulsion, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Milks Emulsion Co., Terre Haute, Ind., July 19, 1919, and transported from the State of Indiana into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Milks Emulsion * * * A Valuable Remedy For Dyspepsia, Indigestion, Catarrh Of Stomach And Bowels, * * * Bronchial Asthma, Catarrhal Croup, Bronchitis * * * Especially Beneficial In Incipient Consumption * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of about 95 per cent of petrolatum with small amounts of sirup and glycerin, flavored with essential oils such as lemon oil and methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing upon each of the said bottles, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and remedial therapeutic effects claimed. Misbranding was alleged for the further reason that a booklet accompanying the article contained among others the following statement, to wit, "Milks Emulsion contains a great amount of fat," which statement was false and fraudulent [misleading] in that the said article contained no fat.

On November 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10195. Misbranding of G-U-C capsules. U. S. * * * v. 5 Dozen Bottles of G-U-C Capsules * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11500. I. S. No. 15934-r. S. No. E-1835.)

On October 30, 1919, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen bottles of G-U-C capsules, at Atlantic City, N. J., alleging that